

**Medway Council**  
**Meeting of Planning Committee**  
**Tuesday, 13 June 2017**  
**6.35pm to 8.43pm**

**Record of the meeting**

Subject to approval as an accurate record at the next meeting of this committee

- Present:** Councillors: Bhutia, Bowler, Carr, Gilry, Griffiths, Etheridge, Hicks (Vice-Chairman in the chair), Potter, Royle, Tejan, Tranter and Wicks
- Substitutes:** Councillors:  
Stamp (Substitute for McDonald)
- In Attendance:** Laura Caiels, Legal Advisor  
Doug Coleman, Senior Planner  
Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Ellen Wright, Democratic Services Officer

**30 Apologies for absence**

Apologies for absence were received from the Chairman, Councillor Mrs Diane Chambers and Councillors McDonald and Pendergast.

In the absence of the Chairman, the Vice Chairman, Councillor Hicks chaired the meeting.

**31 Record of meeting and record of Joint Meeting of Committees**

The record of the meeting held on 10 May 2017 and the record of the joint meeting of Committees held on 17 May 2017 were agreed and signed by the Chairman as correct.

Referring to Minute 953 (planning application MC/17/0405) The Railway, 113 Station Road, Rainham, Gillingham, the Chairman drew attention to the information on the supplementary agenda advice sheet which confirmed that there were business parking permits in the area and therefore the Section 106 agreement would include a restrictive clause preventing staff from obtaining business permits in line with the wish of the Committee.

**32 Urgent matters by reason of special circumstances**

There were none.

**33 Declarations of disclosable pecuniary interests and other interests**

Disclosable pecuniary interests

There were none.

Other interests

Councillor Griffiths referred to planning application MC/17/0281 (10 King Arthurs Drive, Strood, Rochester ME2 3LZ) and advised the Committee that as a close family member lives near to the application site, he would leave the meeting for the consideration and determination of this planning application.

**34 Planning application - MC/17/0931 - Rochester Airport, Maidstone Road, Chatham ME5 9SD**

**Discussion:**

The Head of Planning outlined the planning application and advised that since despatch of the agenda, the applicant and the agent had supplied a written response to the objections received. Copies of these letters were appended to the supplementary agenda advice sheet.

In addition, three additional letters of objection had been received, one of which was from an existing objector in response to the applicants/agents letters referred to above and a copy of this was also appended to the supplementary agenda advice sheet.

He also advised that three additional comments had been received in support of the application.

The Head of Planning confirmed that these late representations did not raise any additional issues that had not already been taken into consideration in undertaking an assessment of the planning application and did not affect the overall conclusions in the report.

The Head of Planning advised the Committee that the planning application was for the construction of an office building with associated parking for use by the Kent, Surrey and Sussex Air Ambulance Trust's administrative and charity fundraising staff and visiting pilots and crew. Dependent upon the number of staff on site, should parking area prove to be insufficient, staff would be required to use the overspill car park on site.

He advised that there were 5 existing helipads within the Rochester Airport site, all of which had been in place for many years and were already used by the Air Ambulance. Use of the helipads by the Air Ambulance did not require planning permission and did not form part of this planning application. It was stressed that the Trust's Air Ambulance helicopters would continue to be based at Redhill Aerodrome and all shifts would commence and complete at Redhill. However, the Trust's helicopters would routinely deploy to Rochester Airport

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either to replenish in between responding to incidents or to await further emergency tasking.

The Head of Planning drew attention to various section of the report including the aeronautical assessment, the comments from Highways England and those sections relating to contamination and archaeology.

In addition, he advised that having assessed whether an Environmental Impact Assessment (EIA) was required, the screening opinion had confirmed that an EIA was not required for this planning application.

The Committee discussed the application and in doing so, had regard to the need to focus on the current proposal submitted by the applicant and the fact that this was an isolated application and was not linked to other applications relating to the use of Rochester Airport.

The Head of Planning informed the Committee that he had been notified by the Department for Communities and Local Government (DCLG) that one of the objectors had asked for this planning application to be called in and therefore if the Committee was minded to approve this application, it would not be possible to issue the planning permission until such time that a response was received from the DCLG.

### **Decision:**

The application is approved subject to conditions 1 – 18 as set out in the report for the reasons stated in the report. Permission not be issued until the Council hears from the DCLG whether or not the planning permission is to be called in.

### **35 Planning application - MC/17/0278 - The Royal Oak, 53 Cooling Road, Strood, Rochester ME2 4RP**

### **Discussion:**

The Head of Planning outlined the planning application and reminded the Committee that this application had originally been considered on 10 May 2017, following which consideration of the application had been deferred to enable officers to obtain further information on possible ways forward for the community and the implications, should the Committee refuse to grant planning permission on the basis that the property has been listed on the Asset of Community Value (ACV) register.

The Head of Planning advised that since despatch of the agenda, further representations had been received, details of which were summarised on and appended to the supplementary agenda advice sheet. The Head of Planning advised that the appeal decision referred to by one of the objectors had been included within the representations section of the report and in the officer's appraisal.

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The Head of Planning also drew attention to a recent appeal decision concerning The Maypole Inn in Dudley which was appended to the supplementary agenda advice sheet and should be considered along with the other appeal decisions referred to.

In addition, he referred to one of the objectors concerns that the comments of Historic England had been misquoted in the report and he confirmed that the wording attributed to Historic England in the representations section of the report had been quoted exactly as stated in their correspondence.

The Committee's attention was drawn to the legal advice set out on pages 78 and 79 of the agenda in response to the Committee's concerns. This confirmed that the inclusion of the property on the ACV register was a material planning consideration.

Attention was also drawn to a correction on pages 67 and 69 of the report in that the property had not been sold at auction.

The Head of Planning advised that the loss of the community asset was considered acceptable in this location due to the fact that there were other public houses within close proximity and because the Royal Oak did not provide anything different to other public houses in the area. Therefore, should the planning application be refused on the basis of the ACV registration, this was unlikely to be upheld at appeal. Whilst some appeals against refusal had been upheld for this reason this had generally been where the loss involved a unique offer that could not be found elsewhere within the community.

With regard to the viability of the Royal Oak should it to revert to a public house, it was pointed out that in the appeal case concerning Maplewell Inns, the Planning Inspector had decided that whether or not the public house was viable in the long term was not a key factor given the loss of the facility would not cause significant harm to local services.

The Committee discussed the application in the light of the information supplied.

### **Decision:**

Approved subject to:

- a) A Section 106 agreement under the Town and Country Planning Act 1990 being entered into to secure:
  - i) The development is to be dealt with in phases and the first occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in the Heritage statement prepared by Asset Heritage Consulting dated December 2016 submitted with the listed building and planning applications

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received on 18/01/2017 and drawings received 15/20/32, 15/20/31 Rev B, and 15/20/30 Rev A in respect of the Royal Oak's conversion to a four bed dwelling house and erection of a terrace of 3 two bed dwelling houses.

- ii) Phase 1 must be completed before any occupation of the new terrace of 3 dwelling houses.
- iii) The Phases are as follows:

### Phase 1

Demolition of the ground floor extensions to the sides and rear of the Royal Oak building. Restoration of the internal and external aspects of the Royal Oak. Conversion of the Royal Oak to a 4 bedroom dwelling house (Drawing 15/20/32). No occupation of the Royal Oak as a dwelling house until such time that all the conversion, restoration and repair works have been completed.

### Phase 2

Erection of a terrace of three 2 bedroom houses (drawings 15/20/30 Rev A and 15/20 31 Rev B) No occupation of terrace of 3 houses shall take place until such time as the works in Phase 1 have been completed.

- iv) The Second Schedule shall set out a full method statement for the repair and restoration for the Royal Oak.
  - v) A management plan should be set out to ensure the long term maintenance and repair of the communal areas of the listed building comprising shared boundaries and car parking areas.
  - vi) To secure contribution of £223.58 per new dwelling created towards Designated Habitats Mitigation.
- b) Conditions 1 – 19 as set out in the report for the reasons stated in the report.

## **36 Planning application - MC/17/0193 - The Royal Oak, 53 Cooling Road, Strood, Rochester, ME2 4RP**

### **Discussion:**

The Head of Planning outlined the planning application and reminded the Committee that this application had also been deferred from consideration by the Committee on 10 May 2017 in line with planning application MC/17/0278 above.

The Committee considered the application having regard to the information supplied and the legal advice provided for planning application MC/17/0278.

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### Decision:

Approved subject to:

- a) A S106 agreement being entered into to secure:
  - i) The development is to be dealt with in phases and occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in the Heritage statement prepared by Asset Heritage Consulting dated December 2016 submitted with the listed building and planning applications received on 18/01/2017 and drawings received 15/20/32, 15/20/31 Rev B, and 15/20/30 Rev A in respect of the Royal Oak's conversion to a four bed dwelling house and erection of a terrace of 3 two bed dwelling houses to the satisfaction of the Council.
  - ii) Phase 1 must be completed before any occupation of the new terrace of 3 dwelling houses.
  - iii) The Phases are as follows:

Phase 1

Demolition of the ground floor extensions to the sides and rear of the Royal Oak building. Restoration of the internal and external aspects of the Royal Oak. Conversion of the Royal Oak to a 4 bedroom dwelling house (Drawing 15/20/32). No occupation of the Royal Oak as a dwelling house until such time that all the conversion, restoration and repair works have been completed.

Phase 2

Erection of a terrace of three 2 bedroom houses (drawings 15/20/30 Rev A and 15/20 31 Rev B) No occupation of terrace of 3 houses shall take place until such time as the works in Phase 1 have been completed.
  - iv) The Second Schedule shall set out a full method statement for the repair and restoration for the Royal Oak.
  - v) A management plan should be set out to ensure the long term maintenance and repair of the communal areas of the listed building comprising shared boundaries and car parking areas.
- b) Conditions 1 – 10 as set out in the report for the reasons stated in the report.

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### 37 Planning application - MC/17/0353 - 311 Station Road, Rainham, Gillingham ME8 7PU

#### Discussion:

The Head of Planning outlined the planning application in detail and reminded the Committee that this application had initially been considered on 12 April 2017, following which consideration had been deferred to enable officers to undertake further negotiations with the applicant regarding the design of the scheme and the possibility of reducing the number of proposed units.

The Head of Planning advised that the applicant had decided not to alter the scheme but to submit an accompanying statement to address the issues raised by the Committee on 12 April 2017, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the planning application and expressed concern that the applicant had not been willing to modify the proposed scheme.

The Committee considered that the proposed development was too large for its location taking into account that the building would be three storeys high. The building would therefore be out of character and of an overbearing nature and would also result in an element of overlooking to other properties. Concern was also expressed that proposed development included a level of parking provision that fell below the Council's minimum parking standards.

#### Decision:

- a) Refused on the following grounds:
1. The mass of the proposed building being 3 storeys high
  2. The proposed development is out of character for the area
  3. The proposal constitutes overdevelopment with regard to the density of the development
  4. The proposed level of parking provision falls short of the Council's minimum parking standards
  5. The height of the development will be overbearing and create overlooking into nearby properties.
- b) The Head of Planning be granted delegated authority to approve the wording of the refusal grounds in consultation with the Vice Chairman, Councillor Potter and the Opposition Spokesperson.

### 38 Planning application - MC/16/3567 - Block of garages, land to the rear of 21-23 Asquith Road, Rainham, Gillingham

#### Discussion:

The Senior Planner outlined the planning application in detail and drew attention to information concerning the relevant planning history and planning

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appraisal, details of which were set out on the supplementary agenda advice sheet. In addition, it was confirmed that an enforcement notice had been served against the unauthorised container on the land and an appeal had been lodged against such notice.

The Committee was advised that this application had originally been reported to the Committee on 14 December 2016, but had been withdrawn due to it being brought to the Council's attention that notices had not been served on all garage owners. It was confirmed that this had now been addressed.

The Committee discussed the planning application.

### **Decision:**

Approved with conditions 1 – 8 as set out in the report for the reasons stated in the report.

### **39 Planning application - MC/17/0808 - Aquarius, 8 Watson Avenue, Horsted, Chatham ME5 9SH**

#### **Discussion:**

The Senior Planner outlined the planning application in detail and drew attention to an amendment to the planning appraisal section of the report, details of which were set out on the supplementary agenda advice sheet.

The Committee discussed the report and attention was drawn to the terminology used within the report on page 120 which indicated that this planning application was re-submission of a previous planning application whereas this was not the case.

#### **Decision:**

Approved with conditions 1 – 4 as set out in the report for the reasons stated in the report.

### **40 Planning application - MC/17/0203 - 184 Frindsbury Hill, Wainscott, Rochester ME2 4JR**

#### **Discussion:**

The Planning Manager outlined the planning application in detail.

The Committee discussed the planning application and requested that in future photographs used for the presentation not be in a panoramic format as they gave a false impression that the application site was located on a bend.



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### **Decision:**

Approved with conditions 1 – 3 as set out in the report for the reasons stated in the report.

### **41 Planning application - MC/17/0281 - 10 King Arthurs Drive, Strood, Rochester ME2 3LZ**

### **Discussion:**

The Planning Manager outlined the planning application in detail.

### **Decision:**

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report.

### **42 Planning application - MC/17/0679 - 233 Hempstead Road, Hempstead, Gillingham, ME7 3QH**

### **Discussion:**

The Planning Manager outlined the planning application in detail.

The Committee discussed the application and noted that proposed alterations to the existing bungalow would involve extension and enlargement to provide an increased footprint and height making it a 3 bedroomed property. Some Members felt that the works proposed were more than extension and in effect comprised demolition of the existing bungalow and construction of an entirely new property. Meanwhile, at the front of the application site it was proposed that a two storey detached 4 bedroom dwelling would be constructed. Both properties would have access from Hempstead Road and a separate garden and parking area.

It was noted that although the existing bungalow was located on a large plot, such plot was similar in size to neighbouring properties. Therefore, the Committee was concerned that should the application in its current form be approved, this could create a precedent for future applications for bungalows to be built on garden land to the rear of properties in Hempstead Road. The view was expressed that if the proposed detached house at the front of the site had already been in existence, it would be extremely unlikely that the Committee would grant permission for the development of a bungalow in the rear garden.

It was suggested that a more appropriate development would be for the applicant to remove the existing bungalow and provide a new building at the frontage of the plot. It was therefore suggested that the application be deferred to enable officers to discuss this further with the applicants.

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### Decision:

Consideration of the application be deferred to enable officers to discuss with the applicant possible revisions to the planning application along the lines suggested by the Committee.

### 43 Planning application - MC/17/0902 - Victoria House, Ratcliffe Highway, St Mary Hoo, Rochester ME3 8RJ

#### Discussion:

The Senior Planner outlined the planning application in detail and referred to the supplementary agenda advice sheet where it was confirmed that the unilateral undertaking on bird mitigation had been accepted.

#### Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure a contribution of £223.58 per unit towards mitigation measures within Special Protection Areas; and
- b) Conditions 1 – 5 as set out in the report for the reasons stated in the report.

### 44 Exclusion of the press and public

The Committee agreed to ask the press and public to leave the meeting because the following item contained sensitive information relating to current legal proceedings. The information was considered to be exempt under paragraph 6 of part 1 of Schedule 12A of the Local Government Act 1972.

### 45 Enforcement action regarding carrying out works in default

#### Discussion:

The Head of Planning informed the Committee of an intention to take action to carry out works in default to resolve non compliance with a Section 215 Notice in accordance with Section 219 of the Town and Country Planning Act 1990.

#### Decision:

The Committee noted that:

- a) all enforcement action undertaken by the Council should be a necessary and proportionate response to the harm caused by the property adversely affecting the amenity of the area;
- b) in the light of the factors set out within the report, it was considered that in the absence of further action by the Council, it was unlikely that there will be compliance with the requirements of the outstanding Section 215

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Notice and that the report had considered the owner's rights to peaceful enjoyment of his property, but that such rights were not absolute and the wider impact of the building and land adversely affecting the amenity of the neighbourhood had to be taken into account; and

- c) in accordance with powers delegated to the Director of Regeneration, Culture, Environment and Transformation, it was intended to enforce the carrying out of works in default at the property named in the report to secure compliance with the Section 215 Notice issued on 4 June 2014.

**Chairman**

**Date:**

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